GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – WR Dept., - Allegation of acquisition of assets disproportionate to his known sources of income against Sri P. Dayakar Reddy, Executive Engineer [Retired] formerly worked at Office of the Irrigation Division, Gudur, Nellore District – Found guilty of the charges and convicted by the Orders of the Special Judge for SPE & ACB Cases, Nellore, dt.16.10.2015 in CC No.15 of 2011 – Imposition of punishment withholding of pension and gratuity in full permanently against Sri P. Dayakar Reddy, Executive Engineer [Retired] – Orders – Issued.

WATER RESOURCES [VIG.I] DEPARTMENT

G.O.MS.No. 34 Dated: 29-05-2017

Read the following:-

1. Message received from the Inspector of Police-I, ACB, Nellore Range, Nellore dt.23.06.2008.
2. G.O.Rt.No.842, I&CAD[Ser.VI] Dept., dt.01.07.2008.
3. G.O.Rt.No.1581, I&CAD[Ser.VI] Dept., dt.08.12.2008.
4. Letter RC.No.151/RCA-NNL/2008,dt.31.12.2010 received from the Director General, ACB, AP., Hyd.
5. Govt.Memo.No.18880/Ser.VI(1)/2008-16,dt.10.2.2011.
6. G.O.Rt.No.121,I&CAD (Ser.VI(1) Dept., dt.10.02.2011.
7. Judgement dt.16.10.2015 in CC No.15 of 2011 of the Spl.Judge for SPE&ACB Cases, Nellore.

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ORDER:-

In the ref.1st read above, the Investigating Agency has brought to the notice of the Government that a case was registered against Sri P. Dayakar Reddy, Executive Engineer, Irrigation Division, Gudur, Nellore District as he was arrested by the ACB officials on 23.06.2008 and remanded to judicial custody up to 03.07.2008. Accordingly, the accused officer Sri P. Dayakar Reddy, Executive Engineer, Irrigation Division, Gudur, Nellore District was placed under deemed suspension from the date of his detention i.e., on 23.06.2008 in terms of sub-rule (2) of Rule 8 of A.P. Civil Services (Classification, Control & Appeal) Rules, 1991 vide ref.2nd read above.

2. In the ref.3rd read above, orders were issued reinstating the accused officer Sri P. Dayakar Reddy, Executive Engineer, Irrigation Division, Gudur, Nellore District into duty.

3. In the ref.4th read above, the Director General, Anti-Corruption Bureau, A.P., Hyderabad has recommended to prosecute the accused officer Sri P. Dayakar Reddy, Executive Engineer, Irrigation Division, Gudur, Nellore District in competent Court of Law for offences punishable U/s 13(2) r/w 13(1) (e) of Prevention of Corruption Act, 1988 and to initiate Departmental action against him for major penalty for contravening Rule 9(1) & (2) of APCS (Conduct) Rules, 1964 r/w A.P. Revised Pension Rules, 1980.

4. In the ref.5th read above, Government have permitted the Director General, Anti-Corruption Bureau, A.P., Hyderabad to prosecute accused officer Sri P. Dayakar Reddy [Retired] formerly worked at the Office of the Irrigation Division, Gudur, Nellore District in a competent court of law for the offences punishable under sections 13(2) read with Section 13 (1) (e) of

Prevention of Corruption Act, 1988, as the accused officer retired from Government Service on 31.07.2010 on attaining the age of superannuation.

5. In the reference 6th read above, departmental action was initiated while framing the articles of charges against Sri P. Dayakar Reddy [Retired] formerly worked at the Office of the Irrigation Division, Gudur, Nellore District and the Departmental Inquiry is now at concluded stage against him.

6. In the ref.7th read above, the Special Judge for SPE & ACB Cases, Nellore, in its judgement dt.16.10.2015 in CC No.15 of 2011 held that "the Accused Officer, Sri P. Dayakar Reddy [Retired] formerly worked at the Office of the Irrigation Division, Gudur, Nellore District is found guilty for the offence punishable under Section 13(2) r/w 13(1) (e) of Prevention of Corruption Act, 1988 and he is convicted him under section 248 (2) Cr.P.C. In the result the accused officer is sentenced to undergo Rigorous Imprisonment for a period of three years and also to pay a fine of Rs.8,00,000/- (Rupees Eight Lakhs) and in default of payment of fine, the accused officer shall undergo simple imprisonment for a period of six months for the offence punishable under section 13 (2) read with 13 (1) (e) of Prevention of Corruption Act, 1988.The remand period of the accused officer if any shall be given set off under section 428 Cr.P.C. As it is found that the accused officer acquired assets disproportionate to his known sources of income by committing the offence of misconduct, the assets of the accused officer shown at Sl.No.1 (a) and 1 (b) and 3 in Annexure-A of the abstract of assets, shall be sold in public auction and the sale proceeds shall be remitted to the Government. Similarly the amount of Rs.12,30,000/- and Rs.93,115/- covered by item nos.8 and 9 of assets shown in Annexure-A of the abstract of assets and Rs.2,31,667/- found in the Bank Account of the accused officer and his family members covered under item no.14 of assets shown in Annexure-A of the abstract of assets and the values of shares worth Rs.98,114/- covered by item no.13 of Assets show in Annexure-A of abstract of assets after realization, shall be confiscated to the state to meet the ends of justice, as per section 13 of Criminal law amendment ordinance 1944.The accused is also informed about his right of appeal".

7. Government after careful examination of the entire matter, have decided to impose the punishment of withholding of pension and gratuity in full permanently against the accused officer Sri P. Dayakar Reddy [Retired] formerly worked at the Office of the Irrigation Division, Gudur, Nellore District under Rule 9 of A.P. Revised Pension Rules, 1980, as the said accused officer was found guilty of the offences punishable under Section 13(2) read with Section 13(1) (e) of Prevention of Corruption Act, 1988 and convicted by the orders of Hon'ble Special Judge for SPE & ACB Cases, Nellore, in his judgement dt.16.10.2015 in CC No.15 of 2011, subject to outcome of CRLA No.953/2015 pending before the Hon'ble High Court, since the Hon'ble High Court in their interim order in CRLA M.P.No.1574/2015, dt.7.11.2015 has suspended the sentence of imprisonment imposed by the Trial Court.

8. Accordingly, Government hereby impose the punishment withholding pension and gratuity in full permanently against the accused officer Sri P. Dayakar Reddy [Retired] formerly worked at the Office of the Irrigation Division, Gudur, Nellore District under Rule 9 of A.P. Revised Pension Rules, 1980, as the said accused officer was found guilty of the offences punishable under Section 13(2) read with Section 13(1) (e) of Prevention of Corruption Act, 1988 and convicted by the orders of Hon'ble Special Judge for SPE & ACB Cases, Nellore, in his judgement dt.16.10.2015 in CC No.15 of 2011, subject to outcome of CRLA No.953/2015 pending before the Hon'ble High Court, since the Hon'ble High Court in their interim order in CRLA

M.P.No.1574/2015,dt.7.11.2015 has suspended the sentence of imprisonment imposed by the Trial Court.

9. The Engineer-in-Chief, Water Resources, A.P., Vijayawada shall take further necessary action in the matter accordingly and acknowledge the receipt of the order.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

SHASHI BHUSHUN KUMAR
SECRETARY TO GOVERNMENT

To
Sri P.Dayakar Reddy, Executive Engineer,
Irrigation Dept., Gudur Gudur Division, SPSR Nellore
Dist.,(Retd.,) **through** the Engineer-in-Chief (AW),
Water Resources Dept., Vijayawada.
The Engineer-in-Chief (AW), Water Resources Dept.,
D.No.48-10-9/1, NH 16 Feeder Road,
Currency Nagar, Vijayawada-500 028.

Copy:-
1). The Accountant General, A.P., Hyderabad.
2). The Director General, Anti Corruption Bureau,
2nd Floor, NTR Admn., Bhavan, AP, Vijayawada.
3). The Vigilance Commissioner, A.P. Vigilance Commission,
A.P. Secretariat, Velagapudi, Amaravathi.
Sf/Sc.

// FORWARDED BY ORDER //

SECTION OFFICER